United Nations S/2007/359

Security Council

Distr.: General
15 June 2007

Original: English

Letter dated 12 June 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

Further to my letter dated 17 May 2007 and its annex (the progress report on the implementation of the Darfur Peace Agreement) (S/2007/295), I have the honour to transmit to you the Geneina political protocol signed on 9 June 2007, by the Government of the Sudan and the People's Forces for Rights and Democracy Movement in the context of our efforts targeting unification of the rebel factions, in order to have them on board in the political process (see annex).

I would be grateful if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

07-38442 (E) 200607

Annex to the letter dated 12 June 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

[Original: Arabic]

Political protocol for implementation of the Darfur Peace Agreement

1. This Agreement shall be called the Geneina Agreement between the Government of National Unity and the People's Forces for Rights and Democracy Movement.

2. We, the Government of National Unity and the People's Forces for Rights and Democracy Movement, which is independent of the Justice and Equality Movement (JEM) and the Sudan Liberation Movement/Army (SLM/A), whose members took part in the Abuja negotiations and have reorganized under this name,

Within the context of efforts to find a permanent solution to the conflict in Darfur while remaining committed to all agreements and protocols signed under the N'Djamena and Abuja Agreements, the protocols on improving the humanitarian situation and strengthening the security situation, and the general principles of the Peace Agreement signed in Abuja,

Do hereby agree to the following:

(a) The People's Forces for Rights and Democracy Movement shall have the right to take part in security arrangements for integration into the regular forces, in accordance with the Abuja Agreement;

(b) The Movement shall play a fundamental part in the voluntary return of displaced persons and refugees to their original villages;

(c) The Movement's forces shall retain their present positions. Reintegration of forces shall be synchronized with the political process on all levels in accordance with the Abuja Agreement;

(d) The Government, along with donors, shall endeavour to provide non-military logistical support to the Movement's forces;

(e) The Movement shall be represented in the ceasefire monitoring mechanism of the African Union Mission and the Joint Commission;

(f) Roads and routes shall be opened and international aid organizations and citizens shall be protected and free from interference;

(g) The Darfur Rehabilitation Commission shall engage in reconstruction of areas affected by war and assist their inhabitants to return by providing schools, clinics, wells and a phased resettlement programme;

(h) Action shall be taken to provide health, water, and local administrative services for citizens;

(i) Rights to balanced development in the Darfur states shall be respected, in particular in the state of West Darfur;

(j) Action shall be taken to improve conditions in abandoned villages and prepare them for the return of their displaced and refugee populations;

(k) A mechanism for implementing the Agreement shall be adopted that allows for representation of the Movement in the existing Abuja Agreement implementation bodies.

3. This Agreement shall enter into force immediately upon signature.

For the delegation of the Government of National Unity:
Dr. Fadlallah Ahmad `Abdallah
Brigadier Ahmad al-Tayyib Abu Qurun

For the People's Forces for Rights and Democracy Movement:
President Hisham Nurain Muhammad Nur
Secretary `Abdallah Musa Ya`qub
Commander-in-Chief Khamis Adam Muhammad ("Sharun")

Witnesses from the African Union:
Colonel Qurba Nuh Ahmad
Major `Uthman `Awadallah `Ali
Ahmad Ibrahim `Abd al-Rahman, head of the Sudan Liberation Movement/Army (Minni faction)

Dr. Magzoub Al-Khalifa — Adviser to the President of the Republic

United Nations S/2007/360

Security Council

Distr.: General
1 June 2007

Original: English

Letter dated 23 May 2007 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you the final document of the United Nations African meeting on the question of Palestine, which was held in Pretoria on 9 and 10 May 2007 under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Dumisani S. **Kumalo**
Ambassador and Permanent Representative
Republic of South Africa

07-38513 (E) 200607

Annex to the letter dated 23 May 2007 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

[Original: English and French]

United Nations African meeting on the question of Palestine

FINAL DOCUMENT

1. The **United Nations African Meeting on the Question of Palestine** was held in Pretoria, on 9 and 10 May 2007, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. Participants in the Meeting included internationally renowned experts, including Israelis and Palestinians, representatives of United Nations Members and Observers, parliamentarians, representatives of the United Nations system and other intergovernmental organizations, representatives of civil society and the media. The theme of the Meeting was *"African solidarity with the Palestinian people for the achievement of its inalienable rights"*.

2. The objective of the Meeting, taking place against the background of renewed regional and international efforts at restarting the Israeli-Palestinian political process, was to encourage broad international action, especially by African States, in support of the inalienable rights of the Palestinian people and in support of achieving a solution to the conflict based on an internationally endorsed vision of two States, Israel and Palestine, living side by side in peace and security within pre-1967 borders. The Meeting took stock of the situation in the Occupied Palestinian Territory, including East Jerusalem, and looked from the African perspective into ways of consolidating and synergizing current international peace efforts. The Meeting also considered how African States could effectively contribute to these efforts through their action in national and intergovernmental, both regional and international, mechanisms, noting long-standing African solidarity with the Palestinian people's aspirations for self-determination, independence and statehood.

3. The participants welcomed the many points of principle and practical suggestions contained in the statement delivered in the opening session by H.E. Mr. Essop Pahad, Minister in the Office of the President of the Republic of South Africa.

4. The participants were encouraged by recent positive political developments. They noted, in particular, the formation of the new Palestinian National Unity Government, based on the Mecca Agreement and National Reconciliation Document, regular meetings that had started taking place between President Abbas and Prime Minister Olmert; the reaffirmation of the Arab Peace Initiative by the League of Arab States at the Riyadh Summit and its decision to establish working groups tasked

with engaging international partners in this regard; and efforts of the Quartet to broaden the scope of its work by engaging regional actors.

5. The participants expressed great concern at the continuing deterioration of the economic and humanitarian situation in the Occupied Palestinian Territory. This crisis, in their view, was a direct consequence of the continuing occupation, further compounded by the withholding of direct donor assistance to the Palestinian Authority. While observing the positive effect produced by the introduction of the Temporary International Mechanism, the participants felt that it was neither commensurate with the Palestinian development requirements, nor sufficient to address current humanitarian emergency needs. They deplored also that much of the Palestinian budgetary shortfall was caused by Israel's illegal withholding of the customs and tax revenues collected on behalf of the Palestinian Authority and called on the Government of Israel to immediately and unconditionally release to the Palestinian Authority the remaining funds and resume regular monthly payments in accordance with bilateral agreements. The participants called on the United Nations and international community to recognize the National Unity Government of the Palestinian Authority and immediately lift the embargo against the Palestinian people.

6. Participants noted with deep concern the bleak account of the humanitarian situation in the Occupied Palestinian Territory presented by the Comprehensive Food Security and Vulnerability Assessment in the West Bank and the Gaza Strip recently prepared by the World Food Programme and the Food and Agriculture Organization, as well as the report submitted by the Special Representative for Children and Armed Conflict following her recent visit to the region. They also took note of the latest report by Professor John Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, detailing the systematic human rights abuses and discriminatory practices committed against the Palestinian people and accusing Israel of violating the most fundamental rules of international humanitarian law, which constitute war crimes in terms of the Fourth Geneva Convention and the Protocol I Additional to the Geneva Conventions.

7. The participants were highly critical of Israel's routinely disproportionate and indiscriminate military operations in Palestinian population centres. In this regard, they reminded Israel, the occupying Power, of its responsibilities and accountability under international law. The participants noted that significant Israeli settlement activity continued across the entire occupied West Bank and in and around occupied East Jerusalem, in violation of the Road Map provisions calling for settlement freeze and dismantlement of settlement outposts. They further noted that construction of the wall inside the West Bank continued at accelerated pace in complete disregard of the International Court of Justice Advisory Opinion and relevant United Nations resolutions. They called upon all Governments, intergovernmental organizations and others to meet their legal obligations faced with Israel's non-compliance, and take appropriate actions.

8. While noting with grave concern the disturbing security situation on the ground, the participants expressed support for the President of the Palestinian Authority and his new Palestinian Government in the effort at restoring law and order under the difficult conditions of continuing occupation. They called for upholding the ceasefire in the Gaza Strip and its extension to the West Bank.

9. The participants whole-heartedly welcomed increased international efforts to achieve a viable peace between Israel and Palestine, seeing in these efforts the renewed determination of the world community to bring to a close this decades-old conflict. They were, however, less optimistic as regards the pace and effectiveness of this international engagement. It was successful, in their view, in generating a global consensus on both the necessity of achieving a permanent settlement and on the shape that such a settlement should take. However, it was seen as much less successful when it came to restarting a meaningful political process for realizing this consensus. The participants also discussed the role and *modus operandi* of the Quartet, the special role of the United Nations Security Council and General Assembly and the International Conference suggestion.

10. The participants expressed the view that an independent State of Palestine could benefit from the experience of African States in their quest for decolonization, independence, sovereignty and ending Apartheid, as well as the experience of Africa on the path to economic independence and sustainable development. They further stressed the important role played by African States in wider efforts aimed at the resumption of the political process and the settlement of the Israeli-Palestinian conflict. In this context, the participants called for enhancing Africa's contribution to the Middle East peace process and encouraged increased African action in regional and international forums. The role of the African Group at the United Nations, especially in the Security Council and General Assembly, was accorded special attention, as did the role of African parliaments and parliamentarians and, in particular, the role of the Pan-African Parliament in supporting a peaceful solution to the Israeli-Palestinian conflict.

11. The participants reaffirmed the permanent responsibility of the United Nations with respect to all aspects of the question of Palestine and singled out the special role of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. They extended special thanks to the United Nations staff who worked under increasingly difficult and often dangerous conditions on the ground, and called on all concerned to respect their special status.

12. The participants expressed their appreciation and gratitude to the Government of the Republic of South Africa for hosting the United Nations African Meeting on the Question of Palestine and for the assistance and support extended to the Committee and the United Nations Secretariat in its preparation.

United Nations S/2007/361

Security Council

Distr.: General
18 June 2007

Original: English

Draft resolution

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force of 5 June 2007 (S/2007/331), and also reaffirming its resolution 1308 (2000) of 17 July 2000,

1. *Calls upon* the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

2. *Welcomes* the efforts being undertaken by the United Nations Disengagement Observer Force to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel;

3. *Decides* to renew the mandate of the United Nations Disengagement Observer Force for a period of six months, that is, until 31 December 2007;

4. *Requests* the Secretary-General to submit, at the end of this period, a report on developments in the situation and the measures taken to implement resolution 338 (1973).

07-38903 (E) 200607

United Nations A/61/956–S/2007/362

General Assembly
Security Council

Distr.: General
15 June 2007

Original: English

General Assembly
Sixty-first session
Agenda item 19
Question of Cyprus

Security Council
Sixty-second year

Letter dated 13 June 2007 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 25 May 2007 (A/61/931-S/2007/317), I have the honour to draw your attention to new violations of international air traffic regulations and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded from 6 April to 31 May 2007.

On 6 and 8 April 2007, one Cougar and two Gulf Stream Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 10 April 2007, two F-4 and three Cougar Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On the same day, four F-4 Turkish military aircraft coming in two formations violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 11 April 2007, one Cougar and one C-650 Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 12 April 2007, two F-4 and two Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus twice.

On 13 and 15 April 2007, one CN-235, one Cougar and one Bell Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 17 April 2007, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

07-38569 (E) 200607

On 18 April 2007, two C-235 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 19 April 2007, one Cougar and two C-160 Turkish military aircraft violated the international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 24 April 2007, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 25 April 2007, one Cougar, two CN-235 and two B-200 Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus five times.

On 26 April 2007, one Cougar and two C-160 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 30 April and 1 May 2007, four Cougar and one CN-235 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus five times.

On 2 May 2007, one CN-235, one Cougar, four F-4 and two F-16 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus four times.

On 3 May 2007, four F-4, one Cougar and one CN-235 Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus twice.

On 4 May 2007, one Cougar, two C-160 and one AB 212 ASW Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On the same day, four F-4, one CN-235 and one AB 212 ASW Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus once.

On 7 May 2007, one C-130, two F-4, two F-16, one CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations seven times and the national airspace of the Republic of Cyprus five times.

On 8 May 2007, two F-16, two F-4 and one CN-235 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 9 May 2007, two F-1, two F-4, one CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations seven times and the national airspace of the Republic of Cyprus four times.

On 10 May 2007, one CN-235 Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 14 May 2007, four F-16 and one CN-235 Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus twice.

On 15 May 2007, one Turkish military aircraft of unknown type violated international air traffic regulations twice.

On 16 May 2007, two F-16, two F-4 and one CN-235 Turkish military aircraft violated international air traffic regulations five times.

On the same day, one C-130 and one Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 17 May 2007, one C-160 and two Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 18 and 20 May 2007, two F-4, one Cougar and one Turkish military aircraft of unknown type violated international air traffic regulations four times and the national airspace of the Republic of Cyprus once.

On 21 May 2007, one C-130 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 22 May 2007, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 23 May 2007, one B-200 and three Cougar Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus five times.

On 24 May 2007, two C-130 and two Cougar Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 31 May 2007, one CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus twice.

On behalf of the Government of the Republic of Cyprus, I strongly protest the aforementioned violations, which, as indicated in our previous communications, blatantly endanger the safety of international civil aviation and contravene international law and air traffic regulations. These violations put at stake the peace and stability of the region, and I call for their immediate cessation.

The Government of Turkey should heed the call of the international community, abide by the Charter of the United Nations and respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, thus contributing to the creation of the required conditions for the achievement of a just and viable solution to the Cyprus problem.

I would be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

United Nations S/2007/363

Security Council

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15 June 2007

Original: English

Letter dated 15 June 2007 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to my letter of 5 June 2007 on the African Union-United Nations report on the hybrid operation in Darfur (S/2007/307/Rev.1) and to the high-level consultations held in Addis Ababa with the Government of the Sudan on 11 and 12 June. The conclusions of those consultations, as agreed between the Government of the Sudan, the African Union and the United Nations, are attached (see annex).

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

07-38580 (E) 180607

Annex

Conclusions of the high-level African Union-United Nations consultations with the Government of the Sudan on the hybrid operation in Darfur

A high-level technical consultation was held in Addis Ababa on 11 and 12 June 2007 pursuant to the letters dated 4 June 2007 of the Secretary-General and the Chairperson of the African Union Commission to President Omer Al-Bashir and further discussions among them. The technical consultations were attended by delegations from the Government of the Sudan, the African Union and the United Nations.

The participants discussed the comprehensive clarifications jointly provided by the African Union and the United Nations on the hybrid operation in Darfur, as contained in the report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation (S/2007/307/Rev.1), in particular its specific recommendations about the mandate and structure of the operation and details on its various components and tasks. In view of the explanations and clarifications provided by the African Union and the United Nations as contained in the presentation, the Government of the Sudan accepted the joint proposals on the hybrid operation.

The meeting concluded that the proposed operation would contribute considerably to the stabilization of the situation in Darfur in its political, humanitarian and security dimensions. The participants underlined the need for the resolutions/decisions authorizing this operation to be adopted by the Security Council and the African Union Peace and Security Council, taking into account the conclusions of the high-level meeting held in Addis Ababa on 16 November 2006, as endorsed by the summit meeting of the African Union Peace and Security Council held on 30 November 2006 and the statement of the President of the Security Council issued on 19 December 2006; the Riyadh agreement of 28 March 2007; the conclusions of the high-level consultative meeting on the United Nations heavy support package for the African Union Mission in the Sudan held on 9 April 2007; and the high-level consultative meeting on the African Union-United Nations report on the hybrid operation.

The participants further agreed on the need for an immediate comprehensive ceasefire accompanied by an inclusive political process, and stressed the need for troop- and police-contributing countries as well as donors to facilitate the early and successful implementation of the hybrid operation. The Sudanese delegation also raised the issue of an exit strategy, and the participants agreed that the requirements for the hybrid operation would be reviewed periodically subject to the conditions on the ground and the decisions of the two Councils.

The consultations confirmed the commitment of the United Nations, the African Union and the Government of the Sudan to the spirit of constructive engagement. In this context, the consultations also confirmed the need to take forward expeditiously and in full transparency the implementation of the three-phase approach to peacekeeping in Darfur. The Government of the Sudan committed itself to cooperating closely with the African Union and the United Nations, and all participants undertook to carry out their commitments.

United Nations S/2007/364

Security Council

Distr.: General
15 June 2007

Original: English

Letter dated 11 June 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

With reference to the unilateral economic sanctions imposed by the United States of America against the Sudan, I have the honour to transmit to you resolution No. 1 of the National Assembly for the year 2007 in this regard (see annex).

I would be grateful if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

07-38586 (E) 180607 190607

Annex to the letter dated 11 June 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

National Assembly
Fourth session
Resolutions of the Assembly
Resolution No. 1 of 2007

The National Assembly,

1. *Having heard and deliberated* on the statement presented by the Minister for Foreign Affairs, Mr. Lam Akol Ajawin, concerning the decision of the American Administration, in which he pointed out that much had been achieved towards resolving the Darfur issue and that the international community was in agreement regarding a road map for a peaceful resolution through negotiation and a peacekeeping process,

2. *Having been informed* that the Permanent Representative of the Sudan to the United Nations had received the proposal of the Secretary-General on the final phase of the peacekeeping process and that the Government of the Sudan was currently studying it with a view to reaching a final agreement on its details at Addis Ababa within the coming week,

3. *Admitting* that, after such progress towards a settlement of the conflict, it was surprised by the American Administration's imposing, precisely at this time, economic sanctions on Sudanese individuals and companies,

4. *Valuing* the enormous political achievements realized by the Sudanese people in the signing of peace agreements: the Naivasha agreement, the Cairo agreement, the Abuja agreement (Darfur Peace Agreement) and the Eastern Sudan Peace Agreement, to which the international community, including the United States of America and the United Nations, have been witness,

5. *Valuing also* the cessation of the war and the sparing of Sudanese blood that were achieved through those agreements and the ensuing political and economic stability and security,

6. *Drawing attention* to the fact that the preservation of those peace gains and the implementation of the said agreements require genuine, responsible support on the part of the international community, in addition to the providing of sizeable human and financial resources,

7. *Recalling* the economic successes achieved by the country and witnessed and lauded by regional and international monetary and financial institutions,

8. *Calling attention* to the State structures completed at the central, southern Sudan and state levels, all of which provide indispensable support for the application of the peace agreements, the peaceful transfer of power and the establishment of sound governance, with a view to the achievement of the desired democratic transformation, which is the most important pillar of stability and one of the foundation stones of balanced, sustainable development,

9. *Calling attention also* to the fact that the Sudan has achieved appreciable progress in the field of human rights, as evidenced by the Sudan's being commended on its cooperation with the Human Rights Council and its committee of experts,

10. *Affirming* that the said decision sweeps away all the gains mentioned above for reasons unrelated to what is taking place in Darfur, reasons that relate to American internal politics,

11. *Expressing* its belief that the said decision is out of keeping with international charters and covenants, and in particular the need, as set out in the preamble to the Charter of the United Nations, to employ international policy for the promotion of the economic and social advancement of all peoples,

12. *Drawing attention* to the fact that the said decision runs counter to what is stated in article 145 (h) of the Beijing+5 outcome document, which explicitly calls on Governments and international and regional organizations to avoid adopting any unilateral decisions that are not in accordance with international law and the provisions of the Charter of the United Nations in that such decisions would impede the economic and social advancement of peoples,

13. *Considering* that the decision banning national companies and institutions that employ large numbers of citizens and operate directly in the area of social and economic support for the weaker segments of society and in the area of human rights and rights of women and children is aimed at having an adverse effect on the humanitarian situation and economic institutions, which will cause harm to families and citizens whose livelihood depends on those institutions and impede the realization of the Millennium Development Goals aimed at alleviating poverty,

14. *Recalling* that the American decision was backed by only one State, namely Britain,

15. *Expressing* its gratitude for the reservations to that decision that were expressed by numerous States, especially among the members of the United Nations Security Council,

16. *Viewing with appreciation* the opinions expressed by national political forces, leading personalities in those forces and State leaders who have warned against the untoward effects of the decision, foremost among them being the President and First Vice-President of the Republic,

17. *Supporting* the enormous efforts being made by the Ministry of Foreign Affairs and the Sudan's diplomatic missions in Washington and New York,

18. *Affirming* its confidence in the ability of the Sudanese people to stand up to that decision and its negative consequences,

Resolves:

19. To reject the decision and consider it as hampering peace efforts in Darfur; not aimed at stability in the Sudan and the well-being and security of its citizens; detrimental to the humanitarian and social situation in the country in general and in southern Sudan, Darfur, Southern Kordofan and Southern Blue Nile in particular; at odds with the call of the international Organization regarding the need to arrive at a peaceful solution to the crisis in Darfur and not to subject its citizens to further suffering and more pressure; and not contributing in the slightest

towards a resolution of the conflict, but rather towards escalating it and rendering it yet more complex;

20. To appeal to all to support the efforts of the First Vice-President of the Republic on behalf of peace in Darfur in order to urge those bearing arms who have not signed the Darfur Peace Agreement to institute an immediate ceasefire and to sit and negotiate with the Government of National Unity and join in the peace process;

21. To call upon the Government to step up its diplomatic efforts to reveal the facts about the decision and to strive to prevent its passage within the United Nations or any other international organization or institution;

22. To call upon the Government to take all steps to protect the interests of the Sudan and the Sudanese against any adverse consequences of the decision;

23. To urge the Government to redouble efforts towards the full implementation of the Darfur Peace Agreement, particularly with regard to security measures, and efforts towards a political solution to the problem of Darfur with the participation of all political forces, in accordance with a definite timetable;

24. To address the United Nations Security Council and General Assembly, the African Union, the European Union, the League of Arab States, the Organization of the Islamic Conference, the Inter-Parliamentary Union, all national Governments and parliaments and regional and international organizations to explain the gravity of the decision for the efforts of the Government of National Unity, the African Union and the United Nations towards establishing peace;

25. To call on the national political forces to unite in expressing their rejection of the decision;

26. To urge national civil society organizations to exert themselves at the local, regional and international levels to oppose the decision and any person or entity that might support it, whether official or unofficial, explaining the facts to them;

27. To call upon the media to play their national role by enlightening the people concerning the facts surrounding the decision and by strengthening the values of solidarity and national unity;

28. The Assembly further resolves that it shall remain seized of the matter and that its committees shall undertake to monitor the performance of the obligations arising from the present resolution, adopted this sixth day of June 2007, provided that all parliamentary blocs in the National Assembly shall participate therein.

United Nations S/2007/365

Security Council

Distr.: General
15 June 2007

Original: English

Letter dated 14 June 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

Guided by its firm conviction regarding the need to avert a proliferation of initiatives and to unify efforts under the United Nations and the African Union, I have the honour to transmit to you the statement issued by the Ministry of Foreign Affairs on the so-called Paris conference on Darfur, proposed to take place on 25 June 2007 (see annex).

I would be grateful if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Aabdalhaleem **Mohamad**
Permanent Representative

07-38592 (E) 190607 190607

Annex to the letter dated 14 June 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

[Original: Arabic]

In the name of God the Merciful, the Compassionate

Statement of the Ministry of Foreign Affairs regarding the Paris conference on Darfur

His Excellency Mr. Bernard Kouchner, Minister for Foreign Affairs of the French Republic, visited the Sudan on 10 and 11 June 2007 and met with a number of State officials, chief among them the President of the Republic.

The visit was fruitful. It focused on discussion of the situation in Darfur and on how to achieve security and stability in all parts of that region.

The two parties were in agreement on the value of the understandings reached at Addis Ababa and Abuja last November and of the Tripoli consensus of 29 April 2007.

The Minister for Foreign Affairs of the French Republic invited the Sudanese side to the international conference to be held in Paris on 25 June 2007 to discuss the situation in Darfur. Invitations had already been extended to selected States and organizations such as the African Union, the League of Arab States, the European Union, the Group of Eight, South Africa, China and the United States of America. The Sudan had not been included in that list.

The Sudanese side informed the Minister for Foreign Affairs of the French Republic that it neither accepted the idea of holding the conference nor the proposed agenda of the conference on the following grounds:

1. In the course of its preparations for the conference, France had not contacted or consulted with the Sudan. The question of Darfur concerned the Sudan first and foremost, and no outcome arrived at by the meeting could be of any consequence without the Sudan's approval and blessing.

2. The recent Tripoli meeting of 28 and 29 April 2007 had adopted a document consolidating initiatives and laying out a road map for achieving peace through negotiations aimed at bringing about a political settlement to the problem of Darfur. That had been done under the leadership of the African Union and the United Nations, represented, respectively, by Salim Ahmed Salim and Jan Eliasson, who had recently announced in New York that they would return to the Sudan shortly to present their conclusions on the practical steps needed to define a course of action for the upcoming period that would lead to peace through negotiations between the Government and the factions that had rejected the Abuja Agreement. Any initiative outside of that framework would merely fragment the efforts being made and would not serve the cause of peace in Darfur.

3. The conference was being held at a time when the Sudan, the United Nations and the African Union were about to conclude a final agreement on a

hybrid peacekeeping operation in Darfur. The new initiative might therefore be seen as reflecting the wish of certain parties to divert attention from the progress being made in addressing the Darfur problem on the political, security and humanitarian levels.

The Sudan remains the State most eager for a solution to the Darfur problem and for the achievement of peace, security and stability throughout that region. It therefore calls upon the international community and on all States that are committed to peace and justice to redouble their efforts to promote a political solution, pressure those who rejected the Abuja Agreement into joining the peace process, and work with the parties concerned to implement the United Nations support packages for the African peacekeeping forces in Darfur.

12 June 2007

United Nations S/2007/366

Security Council

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15 June 2007

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Letter dated 15 June 2007 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to forward a letter dated 15 June 2007 addressed to you from Mr. Osman Saleh, Minister for Foreign Affairs of the State of Eritrea, concerning the peace process on the border conflict between Eritrea and Ethiopia (see annex).

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

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Annex to the letter dated 15 June 2007 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

As you may recall, Eritrea has incessantly urged the UN Security Council to invoke Chapter VII of the UN Charter to compel Ethiopia to comply with its treaty obligations that are clearly stipulated in the Algiers Agreement as well as the in the provisions of international law on the respect of the sovereignty and territorial integrity of a fellow UN member State. Eritrea's appeals to the UN Security Council are based on two legal provisions: i) Article 14 of the Cessations of Hostilities Agreement that explicitly empowers the Security Council, as a guarantor of the Algiers Peace Agreement, to take punitive measures against the transgressing party in accordance with Chapter VII of the UN Charter; and, ii) Article 39 of the UN Charter that empowers the Security Council to decide on appropriate measures in the event of "the existence of any threat to the peace, breach of the peace, or act of aggression"..

Unfortunately and for reasons that we do not wish to describe here, the Security Council has to-date failed to shoulder its legal obligations. This has encouraged Ethiopia to flout the rule of law and occupy sovereign territories of a UN member State for five

years with impunity. And yet, with cynicism that exceeds all bounds, Ethiopia's Foreign Minister accuses, in his letter of 8 June to the Security Council, Eritrea of "violating the Algiers Peace Agreements and for disregarding general principles of international law, including the Charter of the United Nations".

This is astounding to say the least. The indelible fact is that it is Ethiopia that has violated the United Nations Charter and the Algiers Agreements. The statement of the UN Secretary General of March 2007 that Ethiopia distorts through deliberate omission in fact underlines that "the core" of the current problem is Ethiopia's refusal to comply with the "final and binding" decision of the Boundary Decision:

> Ethiopia's refusal to implement – fully and without preconditions – the final and binding decision of the Boundary Commission remains at the core of the continuing deadlock. I therefore strongly urge the Government of Ethiopia to comply with the demand of the Security Council, expressed in resolution 1640 (2005) and reiterated in resolution 1710 (2006). Full implementation of the latter resolution remains key to moving forward the demarcation process and to concluding the peace process.[1]

The President of the Eritrea Ethiopia Boundary Commission (EEBC) has expressed much the same view. In a Statement attached to his contemporaneous Report to the Secretary General, Commission President Sir Elihu Lauterpacht listed almost two dozen serious obstacles that Ethiopia had placed in the way of the Commission's work. These started within days of the announcement of the Award and continue to the present.[2]

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[1] United Nations Security Council, *Report of the Secretary General on Ethiopia and Eritrea*, S/2007/33 (22 January 2007) *at* page 7, paragraph 34. *See also*, page 8, paragraph 37 (referring to "Ethiopia in particular" as needing to "seize this opportunity to proceed with demarcation in accordance with the Boundary Commission's decisions...").

[2] Eritrea-Ethiopia Boundary Commission, *Statement by the Commission* (27 November 2006), *at* page 4-5, paragraph 10, *reproduced as* Enclosure to the *Special Report of the Secretary-General on Ethiopia and Eritrea*, United Nations S/2006/992 (15 December 2006), *at* page 9:

> [T]he obstacles from the Ethiopian side took various forms: prohibiting field-work within the territory under its control, thus impeding the survey of ground control points for the aerial photograph and the secondary datum survey (April to July 2002); filing extensive comments on the Delimitation Decision, amounting to an attempt to reopen elements of the substance of that Decision, instead of limiting itself to the requested comments on the draft 1:25,000 maps (January 2003); alleging that the Field Liaison Officers appointed by Eritrea were intelligence officers and refusing to allow field work to continue in Ethiopian territory, the failing to appoint ad hoc Field Liaison Officers within the prescribed time limit following the Commission's Order of 9 February 2003 so as to allow field work to resume without further delay (January to February 2003); failing

Ethiopia's violations of international law include its continuing illegal occupation of Eritrean territory; its physical interference with the work of both the Boundary Commission's field staff and UNMEE peacekeepers; its refusal to respond to EEBC requests to attend meetings or to provide information or financial support; and its repeated attempts to undermine the "final and binding" 13 April 2002 Boundary Commission Award.

1. Ethiopia's Violations of the United Nations Charter through its Military Occupation of Eritrean Territory

International law prohibits the forcible occupation of the territory of one state by another. Article 2(4) of the United Nations Charter summarizes this general principle when it states:

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to appoint new Field Liaison Officers for the remaining demarcation activities following the Commission's Decision pursuant to Article 15B of the Demarcation Direction (July 2003 to March 2006); failing to provide assurances for the security of all demarcation personnel (August 2003 to the present); failing to comment on maps which indicated the pillar locations in the Eastern Sector (September 2003); repeatedly refusing to authorise necessary flight requests lodged by the Chief Surveyor; eventually limiting the Commission's field work to the Eastern Sector by statements that the ad hoc Field Liaison Officers would only be permitted to operate in the Eastern Sector; complaining to the Secretary-General of the United Nations of what Ethiopia terms "illegal, unjust and irresponsible decisions" of the Commission in respect of Badme and parts of the Central Sector, and proposing that the Security Council set up an alternative mechanism to demarcate the parts of the boundary it contested (September 2003); denouncing in that same letter the Commission's Delimitation Decision by stating that it would only recognize the southern boundary of the Temporary Security Zone ("TSZ") as the international boundary; failing to provide assurances for the security of the contractors selected for the emplacement and as-built survey of the boundary pillars (September to October 2003); rejecting the Commission's invitation to attend a meeting to 5 November 2003, claiming that the notice was too short and that there was no likelihood of anything being achieved (October 2003); refusing to permit any work to be carried out by the Commissioners' field staff in the western and Central Sectors until the boundary in the Eastern Sector had been demarcated and subject to Ethiopia's approval of the Commission's method of demarcation (November 2003); failing to make prompt payment of its share of the Commission's expenses (February 2004 to February 2005); rejecting the Commission's invitation to a meeting to be held on 22 February 2005 on the ground that the meeting was premature, would be unproductive and could have an adverse impact on the demarcation process, as a result of which the Commission was obliged to cancel the meeting (February 2005); failing again to meet its financial obligations (may 2006 to the present); introducing qualifications to its previously unqualified acceptance of the final and binding quality of the Delimitation Decision (17 May 2006); failing to respond to the Commission's request for assurances of freedom of movement and security for its staff traveling to the region to reopen the Commission's Field Offices (July to August 2006); and failing to respond to the Commission's invitation to a rescheduled meeting on 24 August 2006.

> All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

Article 1.1. of the Algiers Agreement further states:

> The parties shall permanently terminate military hostilities between themselves. Each party shall refrain from the threat or use of force against the other.

By continuing to occupy Eritrean territory, through the use of military force, for more than five years after the boundary was definitively announced, Ethiopia has violated both Article 2(4) of the UN Charter and Article 1.1. of the Algiers Agreement.

The succinct observations that the Boundary Commission made on April 13, 2002 when rendering the Award further accentuates this reality. "The Commission recalls that the Parties have agreed that the Commission's Decision on the delimitation is final and binding, and that the Parties have agreed to respect the border identified by the Commission. The Commission considers that the fact it must now proceed to demarcate the boundary in accordance with the December 2000 Agreement does not qualify the immediate effect of the determination of the boundary between the Parties and the limits of their respective sovereignties. The Commission expects that the Parties will act accordingly".

Ethiopia's refusal to evacuate sovereign Eritrean territories in the TSZ thus constitute gross violations of Eritrea's sovereignty and territorial integrity in contravention of international law and the Cessation of Hostilities Agreement. The delimitation line recognized on 13 April 2002 was not a newly-created boundary, but rather the boundary that had existed at the point of Eritrean independence; this indeed was what the parties had agreed to in the Algiers Agreements, which mandated the EEBC to determine "the colonial treaty boundary".[3] Ethiopia has ignored both the Award and the obligations it created.

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[3] 18 June 2000 Algiers Cessation of Hostilities Agreement at page one states:

2. Ethiopia's Unlawful Interference with the EEBC and UNMEE Field Activities

In signing the two Algiers Agreements, Ethiopia undertook to cooperate with both UNMEE and the EEBC. Ethiopia has repeatedly violated its obligation to facilitate their work, starting almost simultaneously with the announcement of the Award and continuing to the present.

Hoping to create irreversible facts on the ground, Ethiopia also began to plant new settlements on the Eritrean side of the boundary. In July 2002 the Commission accordingly ordered Ethiopia to cease its unlawful settlement program and return the settlers to their homes in Central Tigray.[4]

The Security Council endorsed the Commission's order, as well.[5] Ethiopia refused to comply with—or even to acknowledge—the Boundary Commission's order, as endorsed by the Secretary General and the Security Council. In November 2002, the

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> Committing themselves [Eritrea and Ethiopia] to the following: ... Respect for the borders existing at independence as stated in resolution AHG/Res 16 (1) adopted by the OAU Summit in Cairo in 1964 and, in this regard, determine them on the basis of pertinent colonial treaties and applicable international law...

See also, e.g., United Nations Security Council, *Progress Report of the Secretary-General on Ethiopia and Eritrea, Addendum, Observations of the Eritrea-Ethiopia Boundary Commission*, S/2003/257/Add.1 (31 March 2003), *at* paragraphs 15-17 (boundary between Setit and Mareb Rivers had crystallised by 1935, citing 13 April 2002 Award).

[4] As described in President Lauterpacht's Report to the Security Council,

> On 17 July 2002, in response to a complaint by Eritrea that Ethiopian nationals were being settled in Dembe Mengul on the Eritrean side of the border as determined by the Commission, the Commission made an Order requiring Ethiopia to withdraw those nationals from the village. On 14 August 2002 the Security Council, in Resolution 1430, called on the parties to refrain from unilateral troop or population movements, including establishment of any new settlements in areas near the border, until demarcation and orderly transfer of territorial control has been accomplished in accordance with Article 4.16 of the Comprehensive Peace Agreement. Ethiopia did not comply with the Commission's Order. The 7 November 2002 the Commission formally determined that Ethiopia had not complied with its obligation and so reported to the Security Council. Ethiopia still has not complied.

Eritrea-Ethiopia Boundary Commission, *Sixteenth report on the work of the Commission* to the Secretary-General of the United Nations ("covering the period from 15 December 2004 to 28 February 2005"), *at* page 13, paragraph 17, *reproduced as* Annex I to the *Report of the Secretary-General on Ethiopia and Eritrea*, United Nations S2005/142 (7 March 2005). *See also*, United Nations Security Council, *Report of the Secretary-General on Ethiopia and Eritrea*, S/2005/142 (7 March 2005), *at* paragraph 40 ("According to the Commission, new construction has been undertaken in areas that were awarded to Eritrea...").

[5] *See also*, S/Res/1430 (2002) 14 August 2002 (calling on the parties "to cooperate fully and promptly with the Boundary Commission, including by implementing without conditions its binding Demarcation Directions, by abiding promptly by all its Orders, including the two issued on 17 July 2002...").

Boundary Commission specifically declared Ethiopia not in compliance and Ethiopia's refusal to remove its settlers from Eritrean territory continues to this day.[6]

Within two weeks of the announcement of the Boundary Commission's Delimitation Decision in April 2002, Ethiopia closed the territories that had just been recognized as Eritrean to both the United Nations Mission in Ethiopia and Eritrea (UNMEE) and the technical survey staff of the Eritrea-Ethiopia Boundary Commission. Ethiopia's termination of access to Eritrean territory was in direct violation of the explicit terms of the Algiers peace agreements. The Boundary Commission condemned Ethiopia's interference with UNMEE's and the Boundary Commission's work.[7]

In the Fifth Report of the EEBC to the Security Council (10 July 2002), EEBC President Lauterpacht described Ethiopia's unlawful refusal to cooperate in the following terms:

> On 27 April 2002, before the necessary ground work was completed, the Government of Ethiopia prohibited further work within the territory under its control .... In the meantime, Ethiopia has continued to prohibit work by the Commission's surveyors on the ground, notwithstanding my request that the prohibition be lifted. At the meeting on 21 May, I again urged the Ethiopian Government to lift the ban so that the Chief Surveyor's work could be completed before the beginning of the rainy season .... At the time of writing of this report the ban has not been lifted.[8]

Almost simultaneously with its denial of access, Ethiopia started to submit UNMEE officials entering Ethiopia to body searches

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[6] Eritrea-Ethiopia Boundary Commission, *Determination* (7 November 2002) *at* page 2, paragraph 3.

[7] The Secretary-General of the United Nations reported to the Security Council that less than two weeks after the announcement of the 13 April 2002 Boundary Decision, Ethiopia "prohibit[ed] personnel of UNMEE as well as the Secretary and Field Office of the Boundary Commission from crossing from Eritrea into Ethiopia." United Nations Security Council, *Report of the Secretary-General on Ethiopia and Eritrea*, S/2002/744 (10 July 2002), *at* paragraph 4. The Secretary-General confirmed that due to the Ethiopian prohibition on access, "the Field Office personnel of the Boundary Commission have been unable to operate in Ethiopia" – a fact that he characterized as "a source of serious concern." *Id.*, *at* paragraph 18 (emphasis added).

[8] Fifth Report of the Eritrea-Ethiopia Boundary Commission to the Secretary-General of the United Nations, *at* pages 27-28, paragraph 4, *as* Annex to the *Report of the Secretary-General on Ethiopia and Eritrea*, United Nations S/2002/744 (10 July 2002).

At around the same time, Ethiopian militias began harassing United Nations and Boundary Commission personnel attempting to carry on their field work in the border regions. On 4 October 2002, for example, Ethiopian militia armed with AK-47s illegally entered the TSZ and threatened UNMEE peacekeepers, firing over their heads. The militia were accompanied by around sixty Ethiopian civilians armed with knives and axes. On another occasion, Ethiopian military who were improperly occupying a proposed pillar location in the Eastern Sector disrupted the pillar emplacement survey being conducted by EEBC technical staff.[9]

Despite repeated calls from the Security Council, Ethiopia has since November 2004 engaged in a steady buildup of forces near the southern boundary of the Temporary Security Zone.[10] Much of this territory is on the Eritrean side of the international boundary. In reporting this development to the Security Council in March 2005, the Secretary General specifically noted that "there has been no significant movement or deployment of troops" by Eritrea.[11] He appealed to Ethiopia to redeploy its forces:

> I am concerned about a possible rise in tensions along the border in view of the build-up described above, as well as the training of Ethiopian troops in the adjacent areas south of the Temporary Security Zone and Ethiopian troop movements in Sector West. I appeal to the Government of Ethiopia to redeploy its troops away from the vicinity of the southern boundary of the Zone, in order to reinstate the situation that pertained before 16 December 2004.[12]

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[9] Eritrea-Ethiopia Boundary Commission, *Pillar Site Assessment Survey: Eastern Sector: Decision Points 32-41*, at paragraph 9.4 (2003).

[10] United Nations Security Council, *Report of the Secretary-General on Ethiopia and Eritrea*, S/2005/142 (7 March 2005), at page 1, paragraph 2:

> Following the announcement of the five-point proposal by Meles Zenawi, the Prime Minister of Ethiopia, on 25 November 2004 (see S/2004/973/Add.1), there has been a steady increase of troops of the Ethiopian armed forces south of the Temporary Security Zone. This development, which began on 16 December 2004, after advance notice by the Ethiopian Government, appears to be continuing....At the same time and to the extent that UNMEE is able to monitor the situation, there has been no significant movement or deployment of troops of the Eritrean Defence Forces, except for some adjustments in areas adjacent to the Zone to cover the main roads linking Eritrea with Ethiopia.

[11] United Nations Security Council, *Report of the Secretary-General on Ethiopia and Eritrea*, S/2005/142 (7 March 2005), at page 1, paragraph 2.

[12] United Nations Security Council, *Report of the Secretary-General on Ethiopia and Eritrea*, S/2005/142 (7 March 2005), at page 1, paragraph 3. *See also*, paragraph 38:

> 38. Members of the Security Council will recall that in my last report I urged the two parties not to undertake any activities that could undermine the integrity of the Temporary Security Zone or otherwise jeopardize the fragile and relative stability that has prevailed thus far. It is therefore

Ethiopia never complied with this call from the Secretary General.

3. Ethiopia's refusal to respond to the Boundary Commission's requests for information, invitations to meetings, and payment of financial assessments

Ethiopia attempts to characterize Eritrea as failing to cooperate with the Boundary Commission and thereby bringing the demarcation process to a halt. However, it was Ethiopia that repeatedly refused to attend Boundary Commission meetings and to submit comments, reactions, etc. in response to Boundary Commission requests for information. It also refuses to pay its financial assessments.

This pattern of uncooperative behavior first manifested itself in early 2003, when Ethiopia began simply to ignore any Commission orders that were not to its advantage. In March 2003, the Commission noted,

> Demarcation began in the Eastern Sector in March 2003…a set of marked maps showing proposed boundary pillar sites in this Sector was sent to the Parties for comment. Eritrea accepted these marked maps of the Eastern Sector but Ethiopia did not respond.[13]

In a similar vein, Ethiopia has repeatedly ignored the Commission's lawful instructions to supply to the Commission the security arrangements it proposed to put in place for protecting EEBC personnel and contractors while at work in Ethiopia.[14]

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troubling that Ethiopia's announcement of its five-point proposal was followed by a substantial redeployment of their forces near the southern boundary of the Zone.

[13] Eritrea-Ethiopia Boundary Commission, *Statement by the Commission* (27 November 2006), *at* page 3, paragraph 8, *reproduced as* Enclosure to the *Special Report of the Secretary-General on Ethiopia and Eritrea*, United Nations S/2006/992 (15 December 2006), *at* page 9.

[14] Eritrea-Ethiopia Boundary Commission, *Statement by the Commission* (27 November 2006), *at* page 4-5, paragraph 10, (referring to Ethiopia "failing to provide assurances for the security of all demarcation personnel (August 2003 to the present)"; "failing to respond to the Commission's request for assurances of freedom of movement and security for its staff traveling to the region to reopen the Commission's Field Offices (July to August 2006)"; *reproduced as* Enclosure to the *Special Report of the Secretary-General on Ethiopia and Eritrea*, United Nations S/2006/992 (15 December 2006), *at* page 9.

Ethiopia has exhibited the same uncooperative approach toward the Commission's invitation to meetings. Regarding Ethiopia's refusal to attend a proposed EEBC meeting in London in February 2005, President Lauterpacht noted,

> On 4 February 2005 the Commission invited the Parties to meet with it in London on 22 February 2005. Eritrea accepted the invitation. Ethiopia declined it, saying the meeting would be "premature ...would be unproductive and could have an adverse impact on the demarcation process. The first priority for success in the demarcation process is to bring about good faith between the Parties. The Eritrean letter indicates no willingness on Eritrea's part in this regard."[15]...

As a result, the meeting had to be canceled.[16] Ethiopia also refused to attend a meeting proposed by the Commission for 24 August 2006.[17] During that same month, Ethiopian officials refused to meet with the Commission's Deputy Secretary and field office staff in Addis Ababa.[18] In November of the same year, Ethiopia refused the Commission's invitation to attend a meeting in The Hague on 20 November 2006.[19] Ethiopia likewise continues its long-time refusal to pay its share of the financial expenses of the Commission.[20] It is now several years in arrears.

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[15] Eritrea-Ethiopia Boundary Commission, *Sixteenth report on the work of the Commission* to the Secretary-General of the United Nations ("covering the period from 15 December 2004 to 28 February 2005"), *at* paragraph 3, *reproduced as* Annex I to the *Report of the Secretary-General on Ethiopia and Eritrea*, United Nations S2005/142 (7 March 2005), *at* page 10.

[16] Eritrea-Ethiopia Boundary Commission, *Sixteenth report on the work of the Commission* to the Secretary-General of the United Nations ("covering the period from 15 December 2004 to 28 February 2005") *at* paragraph 7, ("In view of the refusal of Ethiopia to attend the 22 February meeting, the Commission had no alternative but to cancel it."), *reproduced as* Annex I to the *Report of the Secretary-General on Ethiopia and Eritrea*, United Nations S2005/142 (7 March 2005), *at* page 10.

[17] United Nations Security Council, *Report of the Secretary-General on Ethiopia and Eritrea*, S/2006/749 (19 September 2006), *at* paragraph 20 (noting Ethiopia's refusal to respond to Commission's invitation to a meeting on 24 August 2006).

[18] United Nations Security Council, *Report of the Secretary-General on Ethiopia and Eritrea*, S/2006/749 (19 September 2006), *at* paragraph 5 (noting the refusal of relevant Ethiopian officials to meet with the Commission's Deputy Secretary and field office staff sent in August 2006 to Addis Ababa to reopen the field office).

[19] Eritrea-Ethiopia Boundary Commission: *twenty-second report on the work of the Commission* to the Secretary-General of the United Nations, at paragraph 6 (referring to Ethiopia's letter dated 13 November 2006, declining the Commission's invitation to attend a meeting on 20 November 2006 in The Hague), *reproduced as* Annex II of the *Report of the Secretary-General on Ethiopia and Eritrea*, United Nations S/2007/33 (22 January 2007).

[20] Eritrea-Ethiopia Boundary Commission: *twenty-second report on the work of the Commission* to the Secretary-General, *at* paragraph 12:

> Finally, the Commission regrets that Ethiopia, despite repeated reminders since 21 May 2006, has still not paid the contribution to the work of the Commission presently due from it, as required by Article 4 (17) of the Algiers Agreement.

Reproduced as Annex II of the *Report of the Secretary-General on Ethiopia and Eritrea*, United Nations S/2007/33 (22 January 2007).

4. Ethiopia's Unlawful Attempts to Dictate Changes to the Contours of the International Boundary

At the same time that Ethiopia physically interfered with the UNMEE and EEBC staff carrying out their mandates, and ignored the Commission's invitations to meetings and its other lawful orders, Ethiopia sought "correction" of the 13 April 2002 Decision. Its first demand (filed on 13 May 2002) was quickly rejected as inadmissible by the Boundary Commission.[21] Despite the Commission's rejection of its efforts to alter the "final and binding" boundary, Ethiopia persisted, for example by filing another lengthy demand for alterations in late January 2003.[22] The Commission has consistently rejected these unlawful efforts to revise the boundary Award, repeating that, in the absence of express authorization by the Parties, it lacks the authority to vary the delimited line.[23]

Ethiopia has attempted to rationalize its unlawful rejection of the Boundary Commission's Award by claiming that it is not possible to demarcate the boundary

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[21] The Ethiopian request for "correction" of the 13 April 2002 Decision, and its subsequent rejection as inadmissible by the Eritrea-Ethiopia Boundary Commission, is discussed in Eritrea-Ethiopia Boundary Commission, *Decision Regarding the "Request for Interpretation, Correction, and Consultation" Submitted by the Federal Democratic Republic of Ethiopia on 13 May 2002* (24 June 2002). On pages 3-4 of that Decision, the EEBC wrote,

> The Ethiopian request appears to be founded on a misapprehension regarding the scope and effect of Articles 28 and 29 of the Commission's Rules of Procedure .... The concept of interpretation does not open up the possibility of appeal against a decision or the reopening of matters clearly settled by a decision. The Commission, through its President, has already stated "that the provisions of Articles 28 and 29 of the Rules of Procedure neither allow substantive amendment nor affect the binding quality of the Decision as rendered on 13 April 2002 ...." Accordingly, the Commission concludes that the Ethiopian request is inadmissible and no further action will be taken upon it.

[22] Eritrea-Ethiopia Boundary Commission, *Statement by the Commission* (27 November 2006), *at* page 10, paragraph 7:

> On 24 January 2003, in response to a request by the Commission for comments on the draft 1:25,000 maps, Ethiopia filed a memorandum setting out at length its views on the process of demarcation....it contended that, in the process of demarcation, alterations or adjustments of the delimited boundary should be made.... The Commission later ruled that most of these contentions were inadmissible.

Reproduced as Enclosure to the *Special Report of the Secretary-General on Ethiopia and Eritrea*, United Nations S/2006/992 (15 December 2006), *at* page 9.

[23] United Nations Security Council, *Progress Report of the Secretary-General on Ethiopia and Eritrea, Addendum, Observations of the Eritrea-Ethiopia Boundary Commission*, S/2003/257/Add.1 (31 March 2003), *at* pages 2-3, paragraphs 5-9. The sole exception recognized by the Commission involved cases of manifest impracticability (paragraph 8).

without negotiations—so-called "dialogue"—between the parties. In March 2005, the Commission described Ethiopia's strategy as simply "the latest in a series of obstructive actions":

> Ethiopia is not prepared to allow demarcation to continue in the manner laid down in the Demarcation Directions and in accordance with the timeline set by the Commission. It now insists on prior "dialogue" but has rejected the opportunity for such "dialogue" within the framework of the demarcation process provided by the Commission's proposal to meet with the Parties on 22 February. This is the latest in a series of obstructive actions taken since the summer of 2002 and belies the frequently professed acceptance by Ethiopia of the Delimitation Decision.[24]

Despite the Commission's consistent clarity in rejecting Ethiopia's demand for "dialogue", however, Ethiopia now suggests that in November 2006 President Lauterpacht approved Ethiopia's stance as consistent with the EEBC Award.[25] Taking out of context one or two sentences from a meeting transcript, Ethiopia ignores President Lauterpacht's repeated suggestions that counsel for Ethiopia owed to the Commission a better explanation regarding whether or not Ethiopia was prepared to cooperate with the demarcation.[26] As President Lauterpacht described Ethiopia's responses shortly

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[24] *Eritrea-Ethiopia Boundary Commission, Sixteenth report on the work of the Commission* to the Secretary-General of the United Nations ("covering the period from 15 December 2004 to 28 February 2005"), *at* paragraph 6, *reproduced as* Annex I to the *Report of the Secretary-General on Ethiopia and Eritrea*, United Nations S/2005/142 (7 March 2005). *See also* United Nations Security Council, *Report of the Secretary-General on Ethiopia and Eritrea*, S/2005/142 (7 March 2005), paragraph 14:

> According to the Boundary Commission, Ethiopia is not prepared to allow demarcation to continue in the manner laid down in the demarcation directions and in accordance with the timeline set by the Commission. It now insists on prior dialogue, but has rejected the opportunity for such dialogue within the framework of the demarcation process. In the assessment of the Commission, this is the latest in a series of obstructive actions taken since the summer of 2002, which belies the frequently professed acceptance by Ethiopia of the delimitation decision.

[25] Letter dated 8 June 2007 from the Minister of Foreign Affairs of Ethiopia to the Secretary General of the United Nations.

[26] Transcript of the Meeting of the Eritrea Ethiopia Boundary Commission with the Parties (10 March 2006), *at* page 9-10, lines 1-7 and 20-30:

> THE PRESIDENT: Again, is it correct that Ethiopia favours the resumption of the demarcation along the lines that I indicated?
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> MR. PICARD: As I said, we are in a position of listening to and considering the views of all Parties, looking forward to establishing the machinery to which you have referred, working with the experts and getting ourselves in a position to proceed.
>
> THE PRESIDENT: It is not quite clear to me whether or not that means we can start work now with Ethiopia's co-operation…
>
> MR. PICARD: Mr. President, we think that a lot can be accomplished in this meeting…I have to say, however, that the Government of Ethiopia will want to consider everything that is said here…

thereafter, "when asked to confirm its continuing acceptance of the Delimitation Decision, Ethiopia repeatedly qualified its position by saying that it wished negotiations to take place regarding such 'anomalies and impracticabilities'." [27]

Any suggestions that Ethiopia's current posture satisfies the EEBC rulings are easily dispelled by President Lauterpacht's own most recent summary of Ethiopia's position:

> ... The truth of the matter appears to be that Ethiopia is dissatisfied with the substance to the Commission's Delimitation Decision and has been seeking, ever since April 2002, to find ways of changing it. This is not an approach which the Commission is empowered to adopt and is not one to which the Commission can lend itself.[28]

President Lauterpacht simultaneously reported to Ethiopian Foreign Minister Seyoum Mesfin his regret that "Ethiopia has so persistently maintained a position of non-compliance with its obligations in relation to the Commission."[29]

Conclusion

Ethiopia's audacity to accuse Eritrea of violations of the Algiers Agreement and to insult the intelligence of the international community through mendacious distortion of facts and events amplify only one unfathomable element. The Security Council's kid-glove treatment of Ethiopia will not promote the rule of law and regional peace,

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See also transcript at page 13, lines 15-19 (Counsel for Ethiopia avoiding making any direct answer to President's question regarding "will Ethiopia be in a position soon to let us have its views on how security is to be assured?").

[27] Letter dated 27 November 2006 from the President of the Eritrea Ethiopia Boundary Commission to the Minister of Foreign Affairs of Ethiopia, at page 1.

[28] *Attachment to paragraph 6 of the twenty-second report of the Eritrea-Ethiopia Boundary Commission: letter dated 27 November 2006 from the President of the Commission to the Minister of Foreign Affairs of Ethiopia*, at page 16, *reproduced as* Enclosure to *the Report of the Secretary General on Ethiopia and Eritrea*, United Nations S/2007/33 (22 January 2007), at page 14. *See also* page 15, "Eritrea's insistence on strict adherence to the terms of the Delimitation Decision," the President added, "was a position which it was entitled to adopt in accordance with the Algiers Agreement."

[29] *Attachment to paragraph 6 of the twenty-second report of the Eritrea-Ethiopia Boundary Commission: letter dated 27 November 2006 from the President of the Commission to the Minister of Foreign Affairs of Ethiopia*, at page 16, *reproduced as* Enclosure to the *Report of the Secretary General on Ethiopia and Eritrea*, United Nations S/2007/33 (22 January 2007), at page 14.

but will only create and aggravate regional tension and instability. Ethiopia's recent letter to the Security Council makes it abundantly clear that it will not allow demarcation to take place "without good faith negotiations" with Eritrea. This is nothing more than another euphemism for altering the "final and binding" Boundary Commission decision.

(*Signed*) Osman **Saleh**
Minister